

PATENT

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Katie Hales
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/826,872

Attorney Docket: DP-309096

Filing Date: April 16, 2004

Applicant: Mostafa Abidi et al.

Group Art Unit: 3747

Examiner: NA

Title: EVAPORATED FUEL PROCESSING DEVICE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)

Sir:

This is in reply to the Decision Refusing Status under 37 CFR 1.47(a), mailed December 27, 2004, dismissing the Petition filed August 30, 2004.

Assignee is grateful for the courtesy extended by Petitions Attorney Tannouse to the undersigned during a telephone conversation on February 22, 2005. The Petition and the grounds for dismissal were discussed. It was agreed that Declaration of Mr. Martin

was sufficient to show that the non-signing inventor, Mr. Abidi, cannot be reached despite a reasonable effort to do so.

The Decision gave, as grounds for dismissal, that the Declaration by Mr. Martin was not sufficient to show a refusal by Mr. Abidi to sign the application papers. The statement in the Declaration is merely presented to show that Mr. Martin made inquiry of the co-inventor. Such inquiry is entirely reasonable, and indeed essential to a diligent effort to contact Mr. Abidi. It is not intended to show, and does not show, that Mr. Abidi was presented with the application papers, informed of their importance, or made any objection thereto. If helpful, Mr. Martin can amend his Declaration to clarify the point.

Assignees believes that the Declaration, even without mention of contact with the co-inventor, provides clear evidence that assignee has attempted to reach Mr. Abidi and has been unsuccessful. The present inventors worked in Europe, and in particular, in Luxembourg. Mr. Martin is assigned responsibility for obtaining signatures of inventors in Europe on United States patent application papers on behalf of assignee. Mr. Martin personally mailed the application papers, along with a request for signature, to Mr. Abidi at his last known address, which papers were returned as undeliverable. Mr. Martin checked the telephone directory, and found that there is no longer a listing for Mr. Abidi. Part of Mr. Martin's effort included contacting the co-inventor, and that, too, was unsuccessful in obtaining a signature. The Declaration is not exhaustive of Mr. Martin's efforts, or assignee's efforts, but does provide ample proof that a reasonable effort has been made to reach Mr. Abidi.

A grantable petition requires proof that the non-signing inventor cannot be

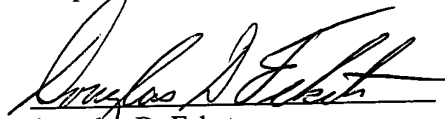
reached. Assignee contends that Mr. Martin's Declaration provides such proof.

Accordingly, it is respectfully requested that the dismissal of Applicant's Petition filed August 30, 2004, be reconsidered, and that the Petition be granted.

If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,



Douglas D. Fekete

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